

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CV 12-1179 WJ/LAM
CR 10-1717 WJ**

CHARLES GUTIERREZ,

Defendant/Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Lourdes A. Martínez' *Proposed Findings and Recommended Disposition* (Doc. 8), filed on June 10, 2013. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed. The Court has determined that it will adopt the *Proposed Findings and Recommended Disposition* (Doc. 8), deny Mr. Gutierrez' § 2255 Motion [Doc. 1], and dismiss this case without prejudice.

IT IS THEREFORE ORDERED that the *Proposed Findings and Recommended Disposition* (Doc. 8) are **ADOPTED** by the Court.

IT IS FURTHER ORDERED that Mr. Gutierrez' § 2255 Motion [Doc. 1] is **DENIED**.

IT IS FURTHER ORDERED that this case be **DISMISSED WITHOUT PREJUDICE** and that a final judgment be entered concurrently with this order.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE